

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JESSICA HODGES, et al.)
Plaintiffs,) Case Number: 4:22-cv-00067-WTM-CLR
vs.)
CHATHAM COUNTY, GEORGIA, et al.)
Defendants.)

EXHIBIT 12



Gary J. McGinty
912.644.5748
gmcginty@bouhan.com

January 26, 2023

Via Email

Mr. David J. Utter
The Claiborne Firm, P.C.
410 East Bay Street
Savannah, Georgia 31401
david@claibornefirm.com

Re: **Jessica Hedges et al. v. Chatham County, Georgia et al.**

No. 4:22-cv-00067-WTM-CLR
United States District Court, Southern District

Dear David,

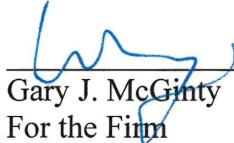
We are writing to let you know that, upon further review, and based upon the facts and circumstances specific to this particular case, we accept that Documents 1-6, 10, 13-14, and 16-18 (as listed on our November 16, 2022 Privilege Log, attached hereto) are not privileged. Those documents, which include the Mortality Review document that is the focus of your Motion to Compel, are attached. We have updated the Privilege Log (also attached), and will formally amend our responses to written discovery on this subject at a later date.

Please note that, in producing these non-privileged documents, our clients are not waiving any claims of privilege or work-product protection in this or any other action. See Fed. R. Evid. 502(a). In addition, we specifically reserve the right to challenge the admissibility and use of the documents we are now producing in discovery.

The remaining documents on the log (Documents 7-9, 11-12, and 15) do have information that is protected, so we have applied redactions and withheld accordingly. Please see the attached documents and the updated privilege log.

We believe that the Motion to Compel can now be withdrawn, and that further litigation on this discovery dispute is unnecessary. Please let us know if you agree, or if you would like to have a call to discuss this matter further. Thank you.

Sincerely,


Gary J. McGinty
For the Firm

Cc: Carlton E. Joyce, Esq.
Andrew H. Walcoff, Esq.

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CorrectHealth Privilege Log

Nov. 16, 2022

#	Document Description	Document Type	Author	Recipient	Date	Privilege Claimed
1	Communication from K. Forchette to Company's General Counsel re: J. Harned's statement about death of Lee Creely, for review and analysis by Company legal department	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
2	Communication from K. Forchette to Company's General Counsel re: Facility Mortality Review	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
3	Communication from K. Forchette to Company's General Counsel re: information concerning Lee Creely's death and J. Harned's handwritten statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
4	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Handwritten Statement	Jackie L. Harned	Company Legal Department	9/8/2020	Attorney-Client Privilege
5	Facility Mortality Review Form prepared in anticipation of litigation by Company healthcare providers at direction of Company's General Counsel	Handwritten Notes on Attorney-Drafted Form	Artyom Vlasenko, M.D. and Karen Forchette, RN at the direction of Stacy Scott, Esq.	Company Legal Department	9/8/2020	Attorney-Client Privilege; Attorney Work Product
6	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Typed Statement	Jackie L. Harned	Company Legal Department	9/8/2020	Attorney-Client Privilege
7	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely, sent to obtain for legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege

8	Communication from CorrectHealth General Counsel to Medical Provider re: death of Lee Creely and statement concerning the same	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Anuj Goel, M.D.	9/10/2020	Attorney-Client Privilege; Attorney Work Product
9	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely and statement concerning same, sent to obtain legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
10	Communication from K. Forchette to Company's General Counsel re: information concerning coroner's subpoena for medical records	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
11	Communication from CorrectHealth Medical Provider to General Counsel re: statement concerning death of Lee Creely, prepared for review and analysis by Company legal department	Email Correspondence	Anuj Goel, M.D.	Company Legal Department	9/15/2020	Attorney-Client Privilege
12	Statement from CorrectHealth Medical Provider re: death of Lee Creely, prepared at request of General Counsel	Typed Statement	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/15/2020	Attorney-Client Privilege
13	Communication from Company's General Counsel to K. Forchette re: Lee Creely's medical records	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Karen Forchette	9/17/2020	Attorney-Client Privilege
14	Communication from K. Forchette to Company's General Counsel re: Lee Creely's medical records	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/17/2020	Attorney-Client Privilege

15	Quality Assurance/Morbidity & Mortality Review prepared in anticipation of litigation by Company's General Counsel, for use in internal investigation	Memorandum/Notes	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	N/A (internal documentation)	9/17/2020	Attorney-Client Privilege; Attorney Work Product
16	Communication from K. Forchette to Company's General Counsel re: J. Harned's supplemental statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/18/2020	Attorney-Client Privilege
17	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Handwritten Statement	Jackie L. Harned	Company Legal Department	9/18/2020	Attorney-Client Privilege
18	Communication from K. Forchette to Company's General Counsel re: J. Harned's typed statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/23/2020	Attorney-Client Privilege

CorrectHealth First Supplemental Privilege Log

January 26, 2023

#	Document Description	Document Type	Author	Recipient	Date	Privilege Claimed
7	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely, sent to obtain for legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
8	Communication from CorrectHealth General Counsel to Medical Provider re: death of Lee Creely and statement concerning the same	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Anuj Goel, M.D.	9/10/2020	Attorney-Client Privilege; Attorney Work Product
9	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely and statement concerning same, sent to obtain legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
11	Communication from CorrectHealth Medical Provider to General Counsel re: statement concerning death of Lee Creely, prepared for review and analysis by Company legal department	Email Correspondence	Anuj Goel, M.D.	Company Legal Department	9/15/2020	Attorney-Client Privilege
12	Statement from CorrectHealth Medical Provider re: death of Lee Creely, prepared at request of General Counsel	Typed Statement	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/15/2020	Attorney-Client Privilege
15	Redacted Quality Assurance/Morbidity & Mortality Review prepared in anticipation of litigation by Company's General Counsel, for use in internal investigation	Memorandum/Notes	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	N/A (internal documentation)	9/17/2020	Attorney-Client Privilege; Attorney Work Product

Doc 1

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Tuesday, September 8, 2020 9:05 AM
To: Stacy Scott
Cc: Walter Smith; Susie Hatfield
Subject: Lee Michael Creely

Stacy,

Geneva will be sending you his chart this morning. Jackie Harned LPN was his Unit 2 nurse over the weekend. She will be writing a statement that I will get to you also.

Karen Forchette BSN, RN
Chatham County Sheriff's Office
CorrectHealth - Health Services Administrator
karen.forchette@correcthealth.org
912-652-7720 office
847-302-1619 cell
912-652-7739 fax

Doc 2

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Tuesday, September 8, 2020 1:33 PM
To: Stacy Scott
Subject: Creely
Attachments: Scan_0001.pdf

Here's the facility mortality review.

Karen Forchette BSN, RN
Chatham County Sheriff's Office
CorrectHealth - Health Services Administrator
karen.forchette@correcthealth.org
912-652-7720 office
847-302-1619 cell
912-652-7739 fax

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Tuesday, September 8, 2020 10:52 AM
To: Stacy Scott
Cc: Walter Smith; Susie Hatfield
Subject: Creely
Attachments: Creely.pdf

From Jackie Harned LPN

Karen Forchette BSN, RN
Chatham County Sheriff's Office
CorrectHealth - Health Services Administrator
karen.forchette@correcthealth.org
912-652-7720 office
847-302-1619 cell
912-652-7739 fax

Doc 4

9-8-2020

To Whom it May Concern,

Inmate Lee Creely, Unit 2B,
was medicated with Detox Protocol medication
at approximately 0700 on Friday 9-4-2020.

Inmate was alert and oriented. No complaints
noted. At 1330 nurse passed pm medication
in 2B. Officer notified nurse that Lee Creely
had been discharged. Medication was returned
to Medication Cart.

On the following days Saturday
9-5-2020 and Sunday 9-6-2020 nurse was
never notified of anyone vomiting in 2B.
No emergencies or signals at all from 2B.
Nurse was never notified Mr. Creely did
not discharge. Nurse was never notified of
any issues in 2B.

Jade Hanckel RN

9-8-2020

Doc 5

Facility Mortality Review

Facility Name: Chatham

 Last Name Creely DOB 5.7.86		First Name Lee <input checked="" type="radio"/> M <input type="radio"/> F <input checked="" type="radio"/> W <input type="radio"/> B <input type="radio"/> H <input type="radio"/> A <input type="radio"/> Other _____
Date of Incarceration: 9.3.20		Date of Death: 9.6.20
CORRECTIONAL HISTORY		
<input type="checkbox"/> Single Incarceration <input checked="" type="checkbox"/> Multiple Incarceration		Date of Intake: 9.3.20 Date of History & Physical: NA Date of Last Medical Encounter: 9.5.20 Last MH Encounter: 9.4.20
LOCATION OF DEATH		
ON-SITE <input type="checkbox"/> General Population <input type="checkbox"/> Isolation / Segregation <input type="checkbox"/> Infirmary / SNU / Med Obs <input checked="" type="checkbox"/> Other: Intake unit C <small>14 day quarantine</small>	OFF-SITE <input type="checkbox"/> Hospital > 24 hours <input type="checkbox"/> Hospital < 24 hours <input type="checkbox"/> In Transit <input type="checkbox"/> Other: _____	
SUSPECTED CAUSE OF DEATH		
<input type="checkbox"/> Chronic Illness <input type="checkbox"/> Acute Illness <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide		
PEER REVIEW ANALYSIS OF PREMORBID CARE		
Could the medical response at the time of death be improved?		<input type="radio"/> YES <input checked="" type="radio"/> NO
Was an earlier intervention possible?		<input type="radio"/> YES <input checked="" type="radio"/> NO
Independent of the cause of death, is there any way to improve patient care?		<input type="radio"/> YES <input checked="" type="radio"/> NO
RECOMMENDATIONS		
<p>The group discussed all of the care rendered to the above patient. Following this discussion, all items of concern, if any, were discussed and, if needed, a Corrective Action Plan was set forth. The Corrective Action Plan, if applicable, will be shared with on-site staff members via education / staff meeting and will be monitored by the Clinical Services Team.</p>		
Completed by (MD / DO): <i>Adam Marullo MD</i>		Date: 9/8/2020
Reviewed by (HSA / HSC / DON): <i>Karen Torchette RN</i>		Date: 9.8.20
Provided to CH Counsel for Purposes of Legal Advice: <i>Stacy Scott</i>		Date: 9.8.20
Received by CH Counsel: <i>Stacy Scott</i>		Date: 9/9/2020

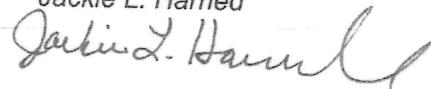
Doc 6

To Whom It May Concern,

Inmate Lee Creely was housed in Unit 2. On Friday, 9/4/2020 Mr Creely was medicated with Detox Medications at approximately 0700 and 1530. Inmate was alert and oriented. No complaints or distress noted. The following day Saturday, 9/5/2020 at med pass nurse was notified per Correctional Officer inmate Lee Creely had been discharged. Medications were returned back to the medication cart.

At no time throughout the weekend (Friday, Saturday or Sunday) was the nurse ever notified of any inmate vomiting on Unit 2. The nurse was never notified Mr. Lee Creely did not discharge.

Jackie L. Harned



9/8/2020

Doc 10

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Thursday, September 10, 2020 2:05 PM
To: Stacy Scott
Subject: Lee Creely

Just an FYI. The coroner's office is faxing a subpoena for his medical records.

Karen Forchette BSN, RN
Chatham County Sheriff's Office
CorrectHealth - Health Services Administrator
karen.forchette@correcthealth.org
912-652-7720 office
847-302-1619 cell
912-652-7739 fax

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Thursday, September 17, 2020 3:24 PM
To: Stacy Scott
Subject: Re: Creely
Attachments: Scan.pdf

Karen Forchette BSN, RN
Chatham County Sheriff's Office
CorrectHealth - Health Services Administrator
karen.forchette@correcthealth.org
912-652-7720 office
847-302-1619 cell
912-652-7739 fax

From: Stacy Scott <stacy.scott@correcthealth.org>
Sent: Thursday, September 17, 2020 3:18 PM
To: Karen Forchette <karen.forchette@correcthealth.org>
Subject: Creely

Need MAR, please.

Stacy M. Scott, Esq., Chief Legal Officer
CorrectHealth Companies
Lenox Plaza • 3384 Peachtree Road, N.E. • Suite 700 • Atlanta, GA 30326
Main: 770.692.4750 • Direct: 770.692.4758 • Cell: 770.608.9315 • Legal Fax: 770.692.9379

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Doc 15



QUALITY ASSURANCE / MORBIDITY & MORTALITY REVIEW

Inmate Name: Lee Michael Creely
DOB: 05/07/86 (34 years old)
Facility: Chatham
Date of Review: 09/17/20
Date of Event: 09/03/20 – 09/06/20 (Incarceration)
09/06/20 (Death)
Reason for Review: Death
Present: See Sign-In Sheet for Provider Meeting (10/08/20)
Notes Taken By: Stacy M. Scott, Esq., CLO

Medical Summary





DATE	EVENT	Page #
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]

QA Discussion by Group:

The group discussed all of the care rendered to the above patient. Following this discussion, all items of concern, if any, were discussed and, if needed, a Corrective Action Plan was set forth. The Corrective Action Plan, if applicable, will be shared with on-site staff members via education / staff meeting and will be monitored by the Clinical Services Team.

Doc 16

From: Karen Forchette <karen.forchette@correcthealth.org>
Sent: Friday, September 18, 2020 1:13 PM
To: Stacy Scott
Subject: statement
Attachments: Scan_0001.pdf

Karen Forchette BSN, RN
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Doc 17

9-18-2020

After review of statement on 9-8-2020 I realized Mr. Creely was medicated on 9-4-2020 at approximately 0700 and approximately 1530 with Detox Medication.

It was 9-5-2020 that office notified nurse that Mr. Creely had been discharged. Medication for 9-5-2020 was returned to medication Cart.

On Saturday and Sunday (9-5-2020 and 9-6-2020) nurse was never notified of any vomiting in 2B. Nurse was never notified that Mr. Creely was discharged.

Jade Hand

Doc 18

From: Karen M. Forchette <kmforchette@chathamcounty.org>
Sent: Wednesday, September 23, 2020 11:10 AM
To: Stacy Scott
Subject: statement from Jackie Harned
Attachments: image002.png; Creely.pdf



**Karen Forchette BSN, RN
Health Services Administrator**

Phone: 912-652-7720
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Choose a career that matters